

September 27, 2004

To: Members of the California Performance  
Review Commission

From: Diane Boyer-Vine  
Legislative Counsel of California  
Member, California Commission on Uniform  
State Laws

Subject: California Commission on Uniform State  
Laws

Attached please find the history of the California  
Commission on Uniform State Laws. If you have any  
questions about the Commission, please call me at  
916/341-8200 or email me at  
[diane.boyer@legislativecounsel.ca.gov](mailto:diane.boyer@legislativecounsel.ca.gov).

# California Commission on Uniform State Laws

## History and Purpose

“A board of commissioners by the name and style of ‘Commissioners for the Promotion of Uniformity of Legislation in the United States’” was created by the Legislature in 1897 (Chapter 80, Statutes of 1897). The Commissioners were required to “ascertain the best means to effect an assimilation and uniformity in the laws of the States, and to represent the State of California in conventions of like commissions to consider and draft uniform laws to be submitted for the approval and adoption of the several States.”

The current Commission on Uniform States Laws was created in 1927 (Chapter 498, Statutes of 1927). The Commissioners are required to attend the meetings of the National Conference of Commissioners on Uniform State Laws. In addition, the Commissioners are required to do all in their power to promote uniformity in state laws upon all subjects where uniformity is deemed desirable and practicable, and to bring about, as far as practicable, the passage of the various uniform acts recommended by the National Conference.

The National Conference has been in existence for more than 100 years. It is a nonprofit unincorporated association, comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. The first meeting of the conference occurred in 1892 in response to a call by the American Bar Association for an organization to work for uniformity in the laws of the then 44 states. By the turn of the century, 32 states had appointed commissioners on uniform laws. By 1905, only Nevada and the Territory of Alaska had not appointed commissioners, and they joined the National Conference in 1911.

As the National Conference approached its Golden Anniversary year (1941), it launched the project that produced the Uniform Commercial Code (UCC). In 1947, the conference and the American Law Institute joined in a partnership that put all of the components together into a commercial code that was offered to the states for their consideration in 1951. By 1967, all of the states with the exception of Louisiana had adopted the UCC. California adopted the code in 1963. It guarantees that “commercial” transactions in California are subject to the same laws as those in New York or Texas. In UCC states, the code encompasses every sale of goods from crude oil to automobiles; every bank check written; and all commercial paper, stock, and bond transactions.

Success of the UCC inspired the National Conference to produce and work for adoption of a wide variety of comprehensive legislative solutions to basic state problems. These include,

among many others, the Uniform Anatomical Gift Act, Uniform Child Custody Jurisdiction and Enforcement Act, Uniform Determination of Death Act, Uniform Rules of Evidence, Uniform Fraudulent Transfer Act, Uniform Interstate Family Support Act, Uniform Limited Partnership Act, Uniform Parentage Act, Uniform Trade Secrets Act, and Uniform Transfers to Minors Act, all of which have been adopted in this state. California has adopted many uniform acts, and currently has 37 as part of its law.

Dedicated commissioners make the National Conference work. They include about 250 practicing lawyers, law professors, and judges. It is the effort contributed by these people – commissioners receive no salaries or fees for their work with National Conference – that earned the conference the medial label of “prestigious.” In this century President Woodrow Wilson and U.S. Supreme Court Justices Louis D. Brandeis and William F. Rehnquist served as commissioners. So did such law school legends as Roscoe Pound of Harvard.

After the National Conference promulgates an act, the commissioners are obligated to go back to their states and work for adoption of the act. Normal resistance to anything “new” makes this the most difficult part of their responsibility. It took a number of years before the UCC was adopted by the states. However, the result can be workable, modern state law that helps keep the federal system alive. The work of the National Conference simplifies the legal life of individuals and business by providing rules and procedures that are consistent from state to state. And it insures that problems can be solved close to home in state courts and agencies rather than being lost in overworked federal courts and federal departments and agencies.

The Conference continues to be a very good idea. The states have chosen to maintain NCCUSL because it has been useful to their citizens and because it strengthens the states in the federal system of government. Different law in different states continues to be a problem. Either the states solve the problem, or the issues are removed to Congress. Without a state-sponsored, national institution like NCCUSL, more and more legislative activity would shift from the state capitols to Capitol Hill in Washington, D.C.

The participation of the California Commissioners in the work of the National Conference has been active and beneficial. Through the work of the California Commissioners, the National Conference becomes familiar with the unique problems facing California and the perspective of this state in relation to the various issues considered by the conference. Moreover, the quality of the uniform acts, their very integrity, depends upon the attendance of Uniform Law Commissioners from every state. Only if the California Uniform Law Commissioners participate can you be assured that California has been adequately represented in the development of an Act.

## Enactments

California has enacted the following uniform acts. The year that the act was enacted is also shown.

Anatomical Gift (1968) (1987)	1988
Section 7150, Health and Safety Code	
Arbitration (1956)	1961
Section 1280, Code of Civil Procedure	
Child Custody Jurisdiction and Enforcement (1997)	1999
Section 3400, Family Code	
Commercial Code (1951) (1957) (1962) (1966)	1963
Commercial Code	
Commercial Code - Article 2A (1987) (1990)	1991
Section 10101, Commercial Code	
Commercial Code - Article 3 (1990) (1991)	1992
Section 3101, Commercial Code	
Commercial Code - Article 4 (1990)	1992
Section 4101, Commercial Code	
Commercial Code - Article 4A (1989)	1990
Section 11101, Commercial Code	
Commercial Code - Article 5 (1995)	1996
Section 5101, Commercial Code	
Commercial Code - Article 6 (1989)	1990
Section 6101, Commercial Code	
Commercial Code - Article 8 (1977) (1994)	1996
Section 8101, Commercial Code	
Commercial Code - Article 9 (1999)	1999
Section 9101, Commercial Code	
Common Trust Fund (1938) (1952)	1947
Section 1564, Financial Code	
Controlled Substances (1970) (1973)	1972
Section 11000, Health and Safety Code	
Determination of Death (1978) (1980)	1982
Section 7180, Health and Safety Code	
Division of Income for Tax Purposes (1957)	1966
Section 25120, Revenue and Taxation Code	
Durable Power of Attorney (1979) (1987)	1981
Sections 4001, 4124-4127, 4206, 4304, 4305, Probate Code	
Electronic Transactions (1999)	1999
Section 1633.1, Civil Code	
Rules of Evidence (1953) (1974) (1986) (1988)	1965
Evidence Code	
Federal Lien Registration (1978) (1982)	1991
Section 2100, Code of Civil Procedure	

Foreign Money Claims (1989)	1991
Section 676, Code of Civil Procedure	
Foreign Money Judgments Recognition (1962)	1967
Section 1713, Code of Civil Procedure	
Fraudulent Transfer (1984)	1986
Section 3439, Civil Code	
International Wills (1977)	1979
Section 6380, Probate Code	
Interstate Arbitration of Death Taxes (1943)	1949
Section 13820.12, Revenue and Taxation Code	
Interstate Compromise of Death Taxes (1943)	1949
Section 13810.3, Revenue and Taxation Code	
Interstate Enforcement of Domestic Violence Protection Orders (2000) (2002)	2003
Section 6400, Civil Code	
Interstate Family Support (1996) (2001)	2002
Section 4900, Family Code	
Limited Partnership (1976) (1983) (1985)	1983
Section 15611, Corporations Code	
Management of Institutional Funds (1972)	1973
Section 18500, Probate Code	
Parentage (1973)	1975
Section 7600, Family Code	
Partnership (1994) (1997)	1996
Section 16100, Corporations Code	
Photographic Copies of Business and Public Records as Evidence (1949)	1951
Section 1550, Evidence Code	
Premarital Agreement (1983)	1985
Section 1600, Family Code	
Principal and Income (1997)	1999
Section 16320, Probate Code	
Prudent Investor (1994)	1995
Section 16045, Probate Code	
Rights of the Terminally Ill (1985)	1991
Section 7185, Health and Safety Code	
Secure the Attendance of Witnesses from Without a State in Criminal Proceedings (1931) (1936)	1937
Section 1334, Penal Code	
Simultaneous Death (1940) (1953)	1945
Section 220, Probate Code	
Statutory Form Power of Attorney (1988)	1990
Section 4400, Probate Code	
Statutory Rule Against Perpetuities (1986) (1990)	1991
Section 21200, Probate Code	

Testamentary Additions to Trusts (1960) (1961)	1965
Section 6300, Probate Code	
Trade Secrets (1979) (1985)	1984
Section 3426, Civil Code	
TOD Security Registration (1989) (1998)	1998
Section 5500, Probate Code	
Transfers to Minors (1983) (1986)	1984
Section 3900, Probate Code	

## **Commissioners**

The Commission consists of the following commissioners:

- (1) Six persons who are appointed by the Governor for terms of four years.

Cynthia M. Bosco  
Patrick A. DeBlase  
Elaine W. Mandel  
Matthew S. Rae, Jr.  
Ann I. Park  
Philip R. Recht

- (2) One Member of the Senate who is appointed by the Senate Committee on Rules and serves at its pleasure.

Senator Byron Sher

- (3) One Member of the Assembly who is appointed by the Speaker of the Assembly and serves at his or her pleasure.

Assemblyman Tom Harman

- (4) The Legislative Counsel of California.

Diane F. Boyer-Vine

- (5) Any person, not otherwise a member of the commission, elected as a life member of the National Conference of Commissioners on Uniform State Laws based on service on the California commission.

Robert H. Cornell

- (6) Any person, not otherwise a member of the commission, who served as a member of the commission, other than as an appointee of the Governor, for a period of at least five years.

Robert G. Beverly  
Elihu M. Harris

Each Commissioner must be one of the following:

- (1) A member in good standing of the bar of this state.
- (2) A person admitted to practice before the highest court of any other state of the United States.
- (3) A judge of a court of record in this state.

**Staff**

The Commission employs no staff. The Commissioners personally perform most of the work of the Commission. The staff of the Office of Legislative Counsel provides any needed technical assistance to the Commission.

**Budget**

The amount appropriated for the support of the Commission during the past five years is as follows:

2004-05	\$ 98,000
2003-04	\$122,000
2002-03	\$138,000
2001-02	\$142,420
2000-01	\$134,126
1999-00	\$134,000
1998-99	\$126,000

The two major purposes for which the amounts are appropriated are to pay the dues to the National Conference and to reimburse the Commissioners for their attendance at the Annual Meeting of the National Conference.

9/23/04